



TOWN OF TEWKSBURY ZONING BOARD OF APPEALS

1009 Main Street
Tewksbury, MA 01876

Robert Dugan, Chairman
Len Dunn, Vice Chair
Gerald Kutcher
Associate Members:
Jaime Doherty
Dianne Bartalamia

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEETING MINUTES May 26, 2016

The meeting was called to order at 6:30 p.m. by Robert Dugan, Chairman, at the Town Hall. Present at the meeting were Jaime Doherty, Gerald Kutcher, and Dianne Bartalamia (late arrival). Also in attendance was Melissa Johnson, Recording Secretary.

Mr. Dunn was not in attendance.

Approval of Meeting Minutes – March 31, 2016

MOTION: Mr. Kutcher made the motion to approve the March 31, 2016 meeting minutes as presented; seconded by Mr. Kutcher and the motion carried 4-0.

NEW HEARING

Robert Enos for a variance from Section 4130, Appendix B of the Tewksbury Zoning Bylaw to construct an addition onto the existing structure. Said property is located at **1350 Andover Street**, Assessors Map 39, Lot 72, zoned Residential.

Present was Robert Enos of 1350 Andover Street. Mr. Enos explained that he is present to request a variance from Section 4130, Appendix B for a side yard setback from 15 feet to 10.5 feet in order to construct a 12x22 garage addition to his home. The addition will be a 1 ½ stories with room above; which is an extension of an existing room above the existing garage. The proposed addition will be attached to the existing garage. Mr. Enos noted that, as stated in application, the location of the utilities requires the addition to be located on this side. If the addition were to be pushed further back, to be outside of the setback, the drainage on the property would be affected. Mr. Enos noted that even with just an inch and a half of rain, has surface water that runs through his yard from the neighboring property and collects in a lower detention areas between his property and 1380 Andover Street. Mr. Enos show the location of the detention area on the plan.

Mr. Enos noted that he also has letters from abutters stating that they have no oppositions to this project. Mr. Enos provided the Board with a copy of the letters.

Mr. Dugan asked if the 10.5 feet is from the overhang or the garage itself and Mr. Enos noted it is from the garage itself.

Ms. Bartalamia referenced the photograph in the packet. Mr. Enos explained that this is the area where the water collects. Ms. Bartalamia noted that the plan from the Building Commissioner stated 20 feet and the applicant stated 22 feet. Mr. Enos noted that this is a typo and the correct size is 12x22. Ms. Bartalamia asked if water has always been an issue or if it became an issue when sewer was brought in and Mr. Enos noted that it has always been an issue.

Mr. Dugan asked what the garage will be used for and Mr. Enos noted to park a vehicle.

Mr. Dugan opened the hearing to the public and no one came forward to comment.

Mr. Dugan asked if the addition has to be 12 feet and expressed concerns with the two properties being only 22 feet apart. Mr. Dugan asked what the distance is on the other side of the property and Mr. Enos noted that he believes it is 22 feet.

Discussion took place on whether there is a better location for the addition on the property and it was the consensus that given the drainage concerns, as well as the utility locations, this is the best location.

MOTION: Mr. Kutcher made the motion to close the public hearing portion; seconded by Mr. Kutcher and the motion carried 3-0.
DUGAN, KUTCHER, BARTALAMIA

MOTION: Ms. Bartalamia made the motion to approve Robert Enos for a variance from Section 4130, Appendix B of the Tewksbury Zoning Bylaw to construct an addition onto the existing structure. Said property is located at 1350 Andover Street, Assessors Map 39, Lot 72, zoned Residential, the garage doors shall be no larger than 9x7, there shall be no bathroom in the addition, the addition shall not be used as a bedroom or for commercial purposes of any kind; seconded by Mr. Kutcher and the motion carried 3-0.
DUGAN, KUTCHER, BARTALAMIA

Old Business

There was no old business.

New Business

Mr. Dugan noted that he is in receipt of correspondence from Mr. Sadwick requesting an executive session of the Board within the next two weeks regarding ongoing litigation. An executive session meeting was scheduled for June 1, 2016 at 6:30 p.m. at the Town Hall.

Adjournment

MOTION: Mr. Kutcher made the motion to adjourn; seconded by Ms. Bartalamia and the motion carried 4-0.

Approved: 6/30/16

Approval of Minutes – March 31, 2016

NEW HEARING

- 6:30** **Robert Enos** for a variance from Section 4130, Appendix B of the Tewksbury Zoning Bylaw to construct an addition onto the existing structure. Said property is located at **1350 Andover Street**, Assessor's Map 39, Lot 72, zoned Residential.
- *Application packet dated 5/5/16.*